

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

TAILORED LIGHTING, INC.,

Plaintiff,

04-CV-6435T

v.

ORDER

OSRAM SYLVANIA PRODUCTS, INC.,

Defendant.

By letter dated March 12, 2010, defendant Osram Sylvania Products, Inc. ("Sylvania") requests an extension of time to file opposition papers to a motion for partial summary judgment filed by plaintiff Tailored Lighting, Inc. ("TLI") on March 1, 2010. Sylvania seeks the extension of time on grounds that it has filed a motion to strike a portion of TLI's motion because the motion relies on evidence and data that was not produced during discovery. Sylvania claims that it would be prejudiced by having to substantively oppose a motion that is based on evidence that it has not seen, and was not produced despite Sylvania's discovery requests for such information. Sylvania contends that because of TLI's alleged failure to disclose the evidence, the evidence is not admissible, and may not properly form the basis of a motion for summary judgment. TLI opposes Sylvania's request, and claims that it did produce the evidence objected to by Sylvania.

I hereby grant Sylvania's request for an extension of time, and adjourn plaintiff's motion for partial summary judgment pending this court's determination of defendant's motion to strike. The

motion to strike shall remain submitted to the court on April 22, 2010, and the briefing schedule for that motion shall remain unchanged. Opposition to plaintiff's motion for partial summary judgment shall be filed 21 days after this court issues its ruling on defendant's motion to strike. Plaintiff's reply to defendant's opposition papers shall be filed 14 days after Sylvania's opposition is filed. The motion for partial summary judgment will be deemed submitted to the court the day after TLI's reply papers are filed.

ALL OF THE ABOVE IS SO ORDERED.

s/Michael A. Telesca
MICHAEL A. TELESKA
United States District Judge

Dated: Rochester, New York
March 26, 2010